

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

<hr style="border: 0.5px solid black; margin-bottom: 5px;"/> <div>STEVE SLAVENS, FRANK SLAVENS) and KEVIN LEVY, individually and as) representatives of a class of participants and) beneficiaries on behalf of the Meritor) 401(k) Plan,) Plaintiffs,) v.) MERITOR INC., the BOARD OF) DIRECTORS OF MERITOR, INC., the) MERITOR, INC. EMPLOYEE BENEFITS) COMMITTEE, MIKE LEI, TIMOTHY) HEFFRON, and JOHN DOES 1-30,) Defendants.) <hr style="border: 0.5px solid black; margin-top: 5px;"/></div>)	Case No. 2:20-cv-13047 Hon. Stephen J. Murphy, III Mag. Anthony P. Patti
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**STIPULATION AND JOINT MOTION TO FILE PLAINTIFFS’
PROPOSED SECOND AMENDED COMPLAINT AND SETTING
DEFENDANTS’ DEADLINE TO RESPOND TO SAME**

Plaintiffs Steve Slavens, Frank Slavens, and Kevin Levy (“Plaintiffs”) and Defendants Meritor Inc., the Board of Directors of Meritor, Inc., the Meritor Inc. Employee Benefits Committee, Mike Lei, and Timothy Heffron (“Defendants”) hereby stipulate and jointly move the Court (1) to permit Plaintiffs to file their Second Amended Complaint, and (2) to grant Defendants 60 days to answer or otherwise plead in response to the Second Amended Complaint, once filed. In support, the parties state as follows:

1. On November 13, 2020, Plaintiffs filed a Class Action Complaint (“Original Complaint”) in the above-captioned matter, asserting claims for breach of fiduciary duty under the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §§ 1104(a), 1132(a)(2)-(3), in connection with Defendants’ alleged mismanagement of the Meritor Savings Plan (“Plan”). ECF No. 1.

2. Before service of the Original Complaint, Defendants sent Plaintiffs a letter identifying allegations in the Original Complaint that Defendants believed were unsupported, attaching 44 documents in support of these points, and asking that Plaintiffs withdraw the Original Complaint.

3. On April 16, 2021, after reviewing Defendants’ letter and documents, Plaintiffs filed the First Amended Complaint, which added allegations concerning excessive costs for recordkeeping and other administrative services. ECF No. 10. Defendants’ current deadline to respond is June 21, 2021. ECF No. 12.

4. After analyzing the First Amended Complaint, Defendants served on Plaintiffs a letter identifying six specific allegations in the First Amended Complaint that Defendants believe to be asserted in violation of Federal Rule of Civil Procedure 11(b)(2)-(3), and demanding that Plaintiffs withdraw the First Amended Complaint, or take other corrective action.

5. Although Plaintiffs deny that any allegations in the First Amended Complaint violate Federal Rule of Civil Procedure 11(b)(2)-(3), in response to

Defendants' April 29th letter, Plaintiffs have prepared the attached Second Amended Complaint to address the issues raised by Defendants. Defendants hereby stipulate to the filing of the Second Amended Complaint, in accordance with Federal Rule of Civil Procedure 15(a)(2).

6. Additionally, since Plaintiffs first proposed the Second Amended Complaint to Defendants, the parties have engaged in good-faith discussions to explore a potential early resolution of this matter. Both to permit the parties sufficient time to determine whether a resolution can be reached and to allow Defendants sufficient time to formulate and prepare their response to the Second Amended Complaint, the parties jointly request that the Court impose a 62-day deadline, up to and including August 16, 2021, for Defendants to answer or otherwise plead in response to the accompanying Second Amended Complaint.

7. None of the parties will be prejudiced by the filing of the Second Amended Complaint or allowing Defendants additional time to respond to the Second Amended Complaint.

WHEREFORE, the parties to the above-captioned action stipulate pursuant to Fed. R. Civ. P. 15(a)(2) that Plaintiffs may file the accompanying Second Amended Complaint. The parties further respectfully request that the Court set a deadline 62-days after filing the Second Amended Complaint, up to and including August 16, 2021, for Defendants to answer or otherwise plead in response.

STIPULATED TO AND APPROVED BY:

DATED: June 15, 2021

By: /s/ David H. Fink

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